

Minutes of Plan Commission Meeting September 20, 2022

Call to Order – Mayor Nelson called the meeting of the Commission to order at 5:15 PM.

Roll Call – Present were Mayor Nelson, Phil Wedekind, Roy Franzen, Jim O’Neill, Tom Kolb, Barry Hartup, and Matthew Boegner.

Also in attendance were Tom Pinion, Bob Mach, Tural Hasanli, Cody Pelton, Interim Police Chief Rob Sinden, John Statz, Kathy Klein, Austin Lokre, Dean Slaby, Vicki Funseth, Randy Kuhnau, Gregg McArthur, Casey McGann, Kory Hartman and approximately 50 other interested persons.

Call to Order

- a. Note compliance with the Open Meeting Law. Mayor Nelson noted compliance with the Open Meeting Law.
- b. Agenda Approval: It was moved by Kolb, seconded by Wedekind to approve the agenda as posted. Motion carried unanimously.
- c. Minutes Approval: It was moved by Wedekind, seconded by Kolb to approve the minutes of the August 16, 2022. Motion carried unanimously.

Public Invited to Speak (*Any citizen has the right to speak on any item of business that is on the agenda for Commission action if recognized by the presiding officer.*) – The following people all offered their opinions about the appropriateness of the proposed Conceptual Redevelopment Plan in downtown Baraboo on the block bounded by 3rd Avenue, Broadway, 2nd Avenue and Birch Street – Item H on the Agenda:

Michael & Kailyn DeVries, Mary Stone Klingemeyer, Kolin Uptigraw, Peter Bildsten, Meghan Zakoauanov, Casey McGann, Mary Kathleen Thurov, Sierra Parker, Elizabeth Hansen, Kenn Parker, Keri Olson, Paul Wolter, Karen Zimmerman, Jerome Pert Mercer, Julie Hearley, Jeremy Edwards, Gary Wegner, and John Hilmer.

Public Hearings

- a. The request of OLH, LLC and JACQUES HOLDINGS, LLC for a Conditional Use Permit to allow the construction of a new Type 2 Eating Establishment with a drive-thru and pickup service in a B-3 Highway Oriented Business zoning district, located on northern portion of Lot 1 of CSM 556 in the NE ¼ of Section 03, T11N, R6E, City of Baraboo, Sauk County, Wisconsin at 795 State Rd 136. – There being no speakers, the hearing was declared closed.
- b. The request of OLH, LLC and JACQUES HOLDINGS, LLC for a Conditional Use Permit to allow the construction of a new two-tenant retail establishment in a B-3 Highway Oriented Business zoning district, located on Lot 1 of CSM 5890 and the southern portion of Lot 1 of CSM 556, both in the NE ¼ of Section 03, T11N, R6E, City of Baraboo, Sauk County, Wisconsin at 805 State Rd 136. – There being no speakers, the hearing was declared closed.

New Business

- a. The Consider the request of OLH, LLC and JACQUES HOLDINGS, LLC for a Conditional Use Permit to allow the construction of a new Type 2 Eating Establishment with a drive-thru and pickup service in a B-3 Highway Oriented Business zoning district, located on northern portion of Lot 1 of CSM 556 in the NE ¼ of Section 03, T11N, R6E, City of Baraboo, Sauk County, Wisconsin at 795 State Rd 136 – Pinion presented the background on this request. The proposed use is a permitted use in the underlying B-3 zoning district but this property is located within the Conditional Use Overlay district and every new use is regulated as a conditional use. For the sake of convenience, this project as well as the next project on the agenda will be explained together but each item will be voted on separately. Bob Mach, from Mach IV Engineering, explained that the proposed redevelopment of this property consists of a proposed Starbucks on the north side of the project and a two-tenant retail establishment on the south side of the project with Shopko Optical occupying one of the spaces and the other space would be for a future retail commercial tenant. The CSM in agenda item C creates individual lots for each building, with each lot having its own storm water management plan, both of which will be finalized in the near future and submitted to the City for review. There is also a sanitary sewer line running across the property and it will be relocated along the south property line and, at the City’s request, upsized from an 8” sewer main to a 10” sewer main. Kolb questioned the materials and colors used for construction. Mr. Mach described the materials as a mixture of masonry and wood cladding material with a primarily earth tone color pallet. There will be a cross-access easement between these two proposed lots as well as with the neighboring O’Reilly’s Auto Parts store property. There was further discussion on the elevations and size of the

proposed Shopko Optical building. Nelson added that it would be nice to have more green space unless the tenants require a certain number parking stalls. Pinion explained that the Zoning Code includes a requirement for off-street parking spaces but if the developer feels that the City's requirements exceed of their need, they could propose less parking, which would result in more green space. Pinion explained that 18 total parking stalls are required for the Starbucks lot and 26 are being provided and that 34 spaces are required for the two-tenant retail building and 37 stalls are proposed. The Commission could allow fewer parking stalls than required as a condition of approval if so desired. Mr. Mach explained that the proposed number of stalls is consistent with the demand for both of these tenants at many of their other sites. It was moved by Wedekind and seconded by Boegner to approve this Conditional Use Permit. On roll call vote for the motion, Ayes – Wedekind, Franzen, O'Neill, Kolb, Hartup, Boegner, and Nelson. Nay – 0, motion carried 7-0.

- b. The Consider the request of OLH, LLC and JACQUES HOLDINGS, LLC for a Conditional Use Permit to allow the construction of a new two-tenant retail establishment in a B-3 Highway Oriented Business zoning district, located on Lot 1 of CSM 5890 and the southern portion of Lot 1 of CSM 556, both in the NE ¼ of Section 03, T11N, R6E, City of Baraboo, Sauk County, Wisconsin at 805 State Rd 136 – It was moved by Kolb and seconded by Hartup to approve the Conditional Use Permit with the conditions that a storm water management plan, site lighting plan, and the necessary sanitary sewer easement and design be provided for staff review and approval. On roll call vote for the motion, Ayes – Franzen, O'Neill, Kolb, Hartup, Boegner, Nelson, and Wedekind; nay – 0. Motion carried 7-0.
- c. Review and approve a Two-Lot Certified Survey Map to reconfigure Lot 1 of CSM 556 and Lot 1 of CSM 5890 in the NE ¼ of Section 03, T11N, R6E, City of Baraboo, Sauk County, Wisconsin at 795 and 805 State Rd 136 for OLH, LLC and JACQUES HOLDINGS, LLC. – Pinion directed the Commission to CSM map in the packet and provided a brief explanation of proposed lots. It was moved by Wedekind and seconded by Kolb to approve the CSM with a condition that a 20-foot wide sanitary sewer easement be included along both the west and south property lines of Lot 2. On roll call vote for the motion, Ayes – O'Neill, Kolb, Hartup, Boegner, Nelson, Wedekind, and Franzen; Nay – 0. Motion carried unanimously.
- d. Review and approve the Site Plan for a new Type 2 Eating Establishment with a drive-thru and pickup service in a B-3 Highway Oriented Business zoning district, located at 795 State Rd 136 for OLH, LLC and JACQUES HOLDINGS, LLC. – Pinion recapped the background for the Starbucks site plan that was discussed earlier. It was moved by Wedekind and seconded by Kolb to approve the Site Plan with the condition that the Storm Water Management Plan and Site Lighting Plan to be submitted to the City Engineer for review and approval. On roll call vote for the motion, Ayes – Kolb, Hartup, Boegner, Nelson, Wedekind, Franzen, and O'Neill; Nay – 0. Motion carried unanimously.
- e. Review and approve the Site Plan for a new two-tenant retail establishment in a B-3 Highway Oriented Business zoning district, located at 805 State Rd 136 for OLH, LLC and JACQUES HOLDINGS, LLC. – Pinion recapped the background for the two-tenant retail establishment that was discussed earlier and suggested for the sake of consistency, the same conditions of approval for the Type 2 Eating Establishment Site Plan be included with this approval. It was moved by O'Neil and seconded by Hartup to approve the Site Plan with the condition that the Storm Water Management Plan and Site Lighting Plan to be submitted to the City Engineer for review and approval. On roll call vote for the motion, Ayes – Hartup, Boegner, Nelson, Wedekind, Franzen, O'Neill, and Kolb; Nay -0, Motion carried 7-0.
- f. Reconsider the request of Adolfo Morales and Ana Torres (Owners) and Tural Hasanli (Applicant) to grant an amendment to the original Conditional Use Permit to allow a second used automobile dealership that will mostly export cars to Europe to operate at 1341 Carpenter Street, Suite B, City of Baraboo, Sauk County, Wisconsin. – Pinion explained that this item was a carryover from last month's meeting and that the Plan Commission postpone any formal action on this request since they have up to 60 days to render a decision on a conditional use permit application. That action was taken to provide the applicant sufficient time to clean up the property, finish the fence, remove any trailers, campers, tires, and junk vehicles. As of Wednesday, September 14, 2022 photos indicate that most of the cleanup work has not been done. There is still a pile of tires, vehicles parked two deep along the west portion of that parking lot, etc. Interim Chief Sinden added that there are a number of issues and members of the Police Department have been at the location a number of times in an effort to bring the property into compliance; they inspected the property on September 3rd and again on September 15th and again today. There are still multiple violations pertaining to the original Conditional Use Permit but also a few other ordinance violations. A neighbor of the property spoke with the Community Service

Officers stating that the owners/applicant of the dealership continue to drive over his property to access theirs without his approval or permission. It was moved by Wedekind and seconded by Kolb to deny this request for a Conditional Use Permit. Ayes – Boegner, Nelson, Wedekind, Franzen, O'Neill, Kolb and Hartup; Nay -0. Motion carried 7-0.

- g. Review the existing Conditional Use Permit granted to Adolfo Morales and Ana Torres in 2014 to allow the operation of a used automobile dealership at 1341 Carpenter Street. – Pinion stated that at last month's meeting, the Commission requested this item be included on this agenda. If things hadn't been done, there would be other options to consider regarding the existing Conditional Use Permit that is in place. The City reserves the right, and the Plan Commission in particular, has the right to review a CUP at any point. The owners of the property were notified of this meeting by e-mail with the Agenda Packet. The original conditions of the original 2014 CUP have not been complied with and as of today's date, they still have not been complied with. The Plan Commission has a host of options: do nothing and leave it as is; modify the conditions of the permit and extend it either on a temporary or permanent basis; suspend it for a specified period of time; or revoke the existing CUP in an effort to achieve compliance. If the CUP is suspended or revoked, the DMV would be notified that Dealership no longer has the appropriate zoning to operate at this location. If the CUP is revoked, the Zoning Code suggests a 12-month waiting period to reapply but the Commission could allow a new application sooner than 12 months if so desired. Nelson noted that ample time has been provided to bring the property into compliance and a revocation may be warranted. Wedekind suggested a 6-month suspension. Comm. Hartup requested input from the Community Service Officers. CSO Klein stated that she has not had direct contact with either Adolfo or Tural in the recent past but she did speak with the neighboring property owner today. She speculated there may be some sort of "language barrier" and they may not understand what we are asking them to do. CSO Statz asked if the CUP is extended, how are the ordinance violations and corresponding citations supposed to be dealt with until they are in compliance – daily, weekly, monthly or otherwise? After further discussion and deliberation, Boegner moved to revoke the existing Conditional Use Permit and allow Mr. Morales to reapply whenever the property is brought into compliance with the current rules and regulations pertaining to property maintenance, junk, and unlicensed and/or inoperable vehicles, etc. The motion was seconded by Kolb. Ayes – Nelson, Wedekind, Franzen, O'Neill, Kolb, Hartup and Boegner; Nay -0. Motion carried unanimously.
- h. Review a Conceptual Development Plan in accordance with Step 2 of the Planned Development rezoning process for the redevelopment of an area in the 200 blocks of both 2nd and 3rd Avenues, bounded by 3rd Avenue on the north, Broadway on the east, 2nd Avenue on the South, and Birch Street on the west for Secure Fund, LLC. – Pinion gave a brief background of this Conceptual Development Plan that has been proposed. In lieu of the underlying B-1 zoning and R1-A zoning, it has been indicated there is a preference for Planned Development Overlay zoning, which affords the developer a little more flexibility, as long as the Commission and Council agree to that, but it also gives the City more control over the specific use of the property.

Austin Lokre, representing Secure Fund LLC, explained that the Concept Plan is just that, an initial concept – a representation of what could be, not necessarily what will be. Over the course of the next 6 months or more, as part of the process, the concept plan will further developed; it's a big project that consists of 3 large buildings. They intend to incorporate historical aspects into the design to pay homage to what the great City of Baraboo has to offer. Mr. Lokre provided a detailed explanation of his development experience and the variety of amenities that could be incorporated into this project. Examples of their prior projects can be viewed on the internet at bantrliving.com. We like to build mixed-use structures that contain a variety of unit sizes that include furnishings. We like to provide tenants with access to yoga studio, gym, a collaborative open environment that may include shared work spaces. We have used different themed shared kitchens on each floor to promote tenant interaction, for example. Our company builds these projects, owns these projects, and manages these properties. Property Managers are the key to managing the buildings and want to interact with the tenants; this housing development is designed to humanize the apartment living experience to bridge the gap between our community and the rest of the city. We are just trying to establish what the community needs and how can we help. This is the concept review and we welcome ideas, feedback, and input; that's how we create a great place to live and coexist with the rest of the community. As far as rent for a one bedroom it would be under \$1,000.00 per month. As the unit size increases, rent goes up from there. In other projects, we have provided a few units that could be rented nightly, weekly, or monthly for example.

We are confident that we can make this project happen. We are struggling to make the numbers come out but there we need scale in order to make the numbers work. There was some discussion of the concept plans and

the number of floors; each building will have one floor of underground parking, first floor (street level) commercial space, and four floors of living spaces for a total of five stories above grade. Kolb asked whether the concerns expressed during the public comment segment of the meeting pertaining to traffic congestion, building height, scope of the project, architecture to fit into the quaint, rockwellian atmosphere of downtown would be addressed. Lokre shared that the design is something that can be discussed in the upcoming months. We have three separate buildings and they do not have to all look the same. The look and feel of the buildings is something we hope to work on collectively as part of the ongoing planning. Our goal is to create cost-effective living space, offer amenities to promote a good experience, and to “simplify” apartment living by furnishing units, bundling utilities and Wi-Fi, for example. Our projects typically include tenants that span a wide range of ages and although the majority may be younger, if the building is set up the right way, our experience has been that people of all ages can happily co-exist.

It was explained that a traffic study will be done as part of this project and that this project will be developed in phases, most likely building by building. The Commission recognized there is still a lot of planning to be done for this project and suggested that the commercial spaces be created to complement existing downtown businesses and that the project “fit” into downtown Baraboo rather than “dominate” it.

Since this is a conceptual review, there is no vote required; it’s simply an opportunity for the Commission to provide informal and non-binding feedback to the developer about this concept. The Commissioners offered their respective comments to the developer. Mr. Lokre looks forward to working with the community on this project as plans progress. We will do our best to make this project work; we would love to be a part of this fantastic community.

- i. Review a GDP and SIP in accordance with Steps 3 & 4 of the Planned Development rezoning process for Baraboo Bluffs Condominium, a 33-building, 85-unit development project on a 18.4-acre site on the east side of Waldo Street between Parkside Avenue and Hager Street, by KMD Development LLC. – Matt Muchow, an engineer at Vierbicher, provided an overview of this proposed development. It’s a condominium development that will consist of two-unit and three-unit buildings. All the interior roads will be private, the sanitary sewer, water, storm sewer, and storm water management facility will be installed by the developer and turned over to the City for ownership and maintenance. These improvements will be installed phase by phase. He summarized the tentative schedule for site grading, the first phase of the infrastructure improvements, and the first few buildings. A Condominium Plat will be forthcoming but we have submitted a Certified Survey Map to review. The CSM includes an Outlot for the Storm Water Management Facility that will be dedicated to the City.

Mr. Muchow provided preliminary renderings of the proposed buildings that have an earth tone color theme and described the “standard” building materials as cultured stone, smart side siding, dimensional shingles, and single-hung vinyl windows. He summarized the general floor plans. Hartup questioned what type of energy efficient features will be included and the developer briefly described “standard” energy efficient building practices.

In response to the neighbors’ prior concerns about the proximity of the interior private trail to the property boundary, the trail location has been revised to provide better separation. The phasing of future buildings will be market driven.

Pinion explained that the Commission could consider the GDP and the SIP with conditions to see renderings and building materials at a future meeting or separate the GDP from the SIP with the SIP to be considered at a future meeting.

It was moved by Kolb and seconded by Wedekind to approve the GDP and conditionally approve the SIP contingent upon the developer providing colored renderings and samples of the proposed building materials. On roll call vote for the motion, Ayes – Wedekind, Franzen, O’Neill, Kolb, Hartup, Boegner, and Nelson; Nay – 0. Motion carried 7-0.

The Commission requested that the Developer come back to a future meeting for consideration of the SIP to provide an opportunity to submit more details of the development to include colored renderings and samples of the proposed building materials.

- j. Review and approve a One Lot CSM for an 18.4-acre parcel of land on the east side of Waldo Street between Parkside Avenue and Hager Street in the SE ¼ of the SW ¼ and the SW ¼ of the SE ¼ of Section 2, T11N, R6E, City of Baraboo, Sauk County, Wisconsin for KMD Development LLC. – Pinion stated that the boundary of the developers' property isn't changing, it's a single lot with an area designated for storm water management. This version of the CSM shows that area as an easement. Pinion suggested the CSM be modified to designate that area as an Outlot. It was moved by Nelson and seconded by Boegner to approve the CSM with a condition that the storm water easement area being changed to an Outlot. On roll call vote for the motion, Ayes – Franzen, O'Neill, Kolb, Hartup, Boegner, Nelson, and Wedekind; Nay – 0. Motion carried 7-0.
- k. Review and recommendation to add a Wellhead Protection Ordinance to the City's Zoning Code. – A wellhead protection ordinance is a common part of most Zoning Codes and the Water Utility has been working with Wisconsin Rural Water for the past several months to draft this ordinance. Pinion stated that this matter was considered by the Public Safety Committee at their last meeting and they sent it forward with a positive recommendation. It was moved by Kolb and seconded by O'Neil to forward this Ordinance to amend the Zoning Code to the Common Council for the purpose of holding the requisite public hearing with a favorable recommendation to approve. On roll call vote for the motion, Ayes – O'Neill, Kolb, Hartup, Boegner, Nelson, Wedekind, and Franzen; Nay – 0. Motion carried unanimously.
- l. Discuss process for updating the City of Baraboo's Comprehensive Plan. – Nelson stated that the Comprehensive Plan was last done in 2005 which is overdue in revising. It was decided in Strategic Plan that it's a priority to revise it and recommended to do an RFP and get this completed in 2023. Plan Commission will have one of the lead roles in putting the plan together and will hire a consultant and work with them and Council and other organizations in putting that plan together. The first step would be to prepare an RFP that Pinion will write. There is a lot of model RFP's, many communities have done this and will not be difficult to prepare. State Statutes has certain requirements and the Strategic Plan has certain goals and objectives that need to be incorporated as well. Now that we are finished with the Strategic Plan we are ready to update the Comprehensive Plan. There are a lot of planning consultants are out there and we will have plenty of interest. Pinion suggested that the RFP should be ready in the next couple of months.

Adjournment - It was moved by Kolb, seconded by Wedekind to adjourn at 8:15 p.m. The motion carried unanimously.

Rob Nelson, Mayor